

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 306C.11, 307.10 and 307.12, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 120, "Private Directional Signing," Iowa Administrative Code.

The proposed rule changes:

- Delete a restriction that prohibits a business or tourist attraction from placing a private directional sign within the daylight area of an intersection, exclusive of any public right-of-way.
- Add a restriction on the placement of any private directional sign which obstructs or impairs the vision of the motorist near an intersection or a railroad crossing pursuant to Iowa Code section 657.2.
- Clarify that if a trademark or logo is to be approved for use by the Department, it will serve as the identification of the business or attraction in lieu of a word message identifying the business or attraction.
- Provide exceptions for signs measuring 32 square feet or less in size; the Tourist Signing Committee will not need to review these applications, and there is no application fee.
- Correct nondiscrimination language and the implementation sentence.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; e-mail tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than October 8, 2013.

A meeting to hear requested oral presentations is scheduled for Thursday, October 10, 2013, at 2 p.m. at the Administration Building, First Floor South Conference Room, Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by October 21, 2013.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 306C.11 and 657.2.

The following amendments are proposed.

ITEM 1. Rescind the definition of "Daylight area" in rule **761—120.1(306C)**.

ITEM 2. Amend rule 761—120.2(306C) as follows:

761—120.2(306C,657) General requirements.

120.2(1) No change.

120.2(2) A private directional sign shall not:

a. to e. No change.

f. Obstruct or impair the view of any portion of the public roadway at an intersection or a railroad crossing and cause an unsafe condition as determined by the department.

ITEM 3. Amend subrule 120.5(3) as follows:

120.5(3) The following spacing requirements apply to private directional signs:

a. to e. No change.

~~f. A private directional sign shall not be located within the daylight area.~~

~~g.f.~~ Except as otherwise specified, on-premises signs, permitted billboards, and official signs and notices are not taken into consideration when determining compliance with spacing requirements.

ITEM 4. Amend subrule 120.6(4) as follows:

120.6(4) The sign message shall not contain additional words or phrases descriptive of the activity or site, pictorial or photographic representations of the activity or site or its environs, or advertisements of brand-name goods. However, the department may authorize the display of a nationally or regionally recognized trademark or logo in lieu of a word message to identify the activity or site.

ITEM 5. Amend subrule 120.7(3) as follows:

120.7(3) The activity or site must be open to the general public and not by appointment, reservation or membership only and must comply with all applicable laws concerning public accommodations without regard to age, race, religion, creed, color, age, sex, sexual orientation, gender identity, or national origin, religion or disability.

ITEM 6. Amend subrule 120.8(3) as follows:

120.8(3) The tourist signing committee will approve or deny applications, except that signs located along non-interstate routes and not exceeding 32 square feet in size may be approved or denied by the department. The composition of the committee is set out in 761—subrule 119.5(3).

ITEM 7. Amend rule 761—120.9(306C) as follows:

761—120.9(306C) Fees. Fees are applicable to all signs measuring over 32 square feet in size. The initial fee, payable at the time of application, is \$100 per permit. The annual renewal fee, payable on or before June 30 of each year, is \$15 per permit.

ITEM 8. Amend **761—Chapter 120**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 306C.10 to 306C.19 and 657.2.